

**REMARKS**

Claims 2-5, 7-11 and 13-16 have been examined on their merits, and are all the claims presently pending in the application.

1. Claims 2-5, 7-11 and 13-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Berry *et al.* (U.S. Patent No. 6,256,030) in view of Cirne *et al.* (U.S. Patent No. 6,633,313). Applicants traverse the rejection of claims 2-5, 7-11 and 13-16 for at least the reasons discussed below.

The initial burden of establishing that a claimed invention is *prima facie* obvious rests on the USPTO. *In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984). To make its *prima facie* case of obviousness, the USPTO must satisfy three requirements:

- a) The prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated to artisan to modify a reference or to combine references. *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988).
- b) The proposed modification of the prior art must have had a reasonable expectation of success, and that determined from the vantage point of the artisan at the time the invention was made. *Amgen, Inc. v. Chugai Pharm. Co.*, 927 F.2d 1200, 1209 (Fed. Cir. 1991).
- c) The prior art reference or combination of references must teach or suggest all the limitations of the claims. *In re Vaeck*, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991); *In*

*re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, the nature of a problem to be solved. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Alternatively, the motivation may be implicit from the prior art as a whole, rather than expressly stated. *Id.* Regardless if the USPTO relies on an express or an implicit showing of motivation, the USPTO is obligated to provide particular findings related to its conclusion, and those findings must be clear and particular. *Id.* A broad conclusionary statement, standing alone without support, is not “evidence.” *Id.*; *see also, In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001).

In addition, a rejection cannot be predicated on the mere identification of individual components of claimed limitations. *In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000). Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *Id.*

The Examiner acknowledges that *Berry et al.* do not disclose comparing a keyboard event with keys through a hierarchical tree structure to find a key that corresponds to a keyboard event. The Examiner alleges, however, that *Cirne et al.* provide the requisite disclosure to overcome the acknowledged deficiencies of *Berry et al.*

The combination of *Berry et al.* and *Cirne et al.* fails to teach or suggest comparing a keyboard event to the keys listed in key lists, starting with the key list associated with an active graphical element and traversing a hierarchical tree of parent graphical elements and child

graphical elements towards the root of the tree if the keyboard event was not found in the key list associated with the active graphical element, as recited in claim 2. The combination of *Berry et al.* and *Cirne et al.* do not teach or suggest traversing the hierarchical tree if the keyboard event is not found in the key list associated with the active graphical element. As noted above, the Examiner acknowledges that *Berry et al.* do not disclose comparing a keyboard event with keys through a hierarchical tree structure to find a key that corresponds to a keyboard event. *Cirne et al.* disclose a focus event structure (800) that includes an event data key (802) and an event data field (804). See Figure 8, col. 7, lines 61-67 of *Cirne et al.* With respect to steps 263, 265, 267 and 269 as shown in Figure 7A of *Berry et al.*, if the keyboard event does not change the navigational level, then the keyboard event is directed to an object that can handle the keyboard event. *Berry et al.* disclose that the direction of the passing of the keyboard events is towards child objects, not parent objects. Steps 265 and 267 are repeatedly executed until a child object that can handle the keyboard event is located. There is no teaching or suggestion in the combination of *Berry et al.* and *Cirne et al.* the keyboard event is passed to higher level objects if no object that could handle the keyboard event is present in the current navigation level. Thus, Applicants submit that the Examiner cannot fulfill the “all limitations” prong of a *prima facie* case of obviousness, as required by *In re Vaeck*.

Since neither *Berry et al.* nor *Cirne et al.* disclose comparing a keyboard event to the keys listed in key lists, starting with the key list associated with an active graphical element and traversing a hierarchical tree of parent graphical elements and child graphical elements towards the root of the tree if the keyboard event was not found in the key list associated with the active

graphical element, Applicants submit that one of ordinary skill in the art would not have combined the two references. Although the Examiner provides a motivation analysis with respect to the comparison of keylists to keyboard events, both *Berry et al.* and *Cirne et al.* lack any teaching about the desirability of traversing the hierarchical tree if the keyboard event is not found in the key list associated with the active graphical element. Thus, Applicants submit that the Examiner cannot fulfill the motivation prong of a *prima facie* case of obviousness, as required by *In re Dembiczak* and *In re Zurko*.

Based on the foregoing reasons, Applicants submit that the combination of *Berry et al.* and *Cirne et al.* fails to disclose all of the claimed elements as arranged in claim 2. Therefore, the combination of *Berry et al.* and *Cirne et al.* clearly cannot render the present invention obvious as recited in claim 2. Thus, Applicants submit that claim 2 is allowable, and further submit that claims 3-5 and 14 are allowable as well, at least by virtue of their dependency from claim 2. Applicants respectfully request that the Examiner withdraw the § 103(a) rejection of claims 2-5 and 14.

Independent claim 7 has similar recitations as independent claim 2. Applicants submit that claim 7 is allowable over the combination of *Berry et al.* and *Cirne et al.* for the similar reasons as claim 2, namely the lack of disclosure with respect to the comparison of key lists upon receipt of a keyboard event and traversing the hierarchically related graphical elements toward the parent graphical elements to find a key within the key lists that corresponds to the keyboard event. For the sake of brevity, Applicants incorporate by reference the claim 2 arguments concerning the “all limitations” and motivation prongs of a *prima facie* case of obviousness as

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applying to claim 7 as well. Applicants further submit that claims 8-10 and 15 are allowable as well, at least by virtue of their dependency from claim 7. Applicants respectfully request that the Examiner withdraw the § 103(a) rejection of claims 7-10 and 15.

Claim 11 has similar recitations as claim 2. Applicants submit that claim 11 is allowable over the combination of Berry *et al.* and Cirne *et al.* for similar reasons as claim 2, namely the lack of disclosure with respect to the comparison of key lists upon receipt of a keyboard event and traversing the hierarchically related graphical elements toward the parent graphical elements to find a key within the key lists that corresponds to the keyboard event. For the sake of brevity, Applicants incorporate by reference the claim 2 arguments concerning the “all limitations” and motivation prongs of a *prima facie* case of obviousness as applying to claim 11 as well.


Applicants further submit that claims 13 and 16 are allowable as well, at least by virtue of their dependency from claim 11. Applicants respectfully request that the Examiner withdraw the § 103(a) rejection of claims 11, 13 and 16.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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